

AMENDED IN SENATE AUGUST 21, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 614

Introduced by Assembly Member Chávez

February 20, 2013

An act to amend Sections 1012.2 and 1012.3 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL’S DIGEST

AB 614, as amended, Chávez. Veterans’ homes of California: reimbursement rates.

Existing law provides for the establishment and operation of the Veterans’ Home of California at various sites for aged and disabled veterans who meet certain eligibility requirements. Existing law requires members of the homes to pay fees and charges as determined by the department, but prohibits the total of the member’s fees and charges for specified types of care for any fiscal year to be greater than a certain percentage of the member’s annual income.

This bill would provide that a veteran member of the home who is in intermediate care or skilled nursing care would not be subject to charges and fees if he or she meets specified criteria for disability status and

payments by the federal Department of Veterans Affairs under specified federal regulations.

This bill would incorporate additional changes to Section 1012.3 of the Military and Veterans Code proposed by SB 1440 that would become operative if this bill and SB 1440 are both chaptered and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1012.2 of the Military and Veterans Code
2 is amended to read:

3 1012.2. (a) (1) Notwithstanding any other law, any member
4 of the home who is receiving an aid and attendance allowance
5 from the United States Department of Veterans Affairs and who
6 has no dependent spouse, child, grandchild, father, or mother shall
7 pay to the home an amount equal to that allowance in all levels of
8 care excluding domiciliary.

9 (2) Paragraph (1) shall not apply to a member of the home who
10 is in intermediate care or skilled nursing care and has a disability
11 that has been rated by the United States Department of Veterans
12 Affairs as being 70 percent or more service-connected, as
13 determined under Part 4 of Title 38 of the Code of Federal
14 Regulations.

15 (b) One hundred percent of the moneys received by the home
16 under this section shall be placed to the credit of the home and
17 shall augment the current appropriation for the support of the home.

18 SEC. 2. Section 1012.3 of the Military and Veterans Code is
19 amended to read:

20 1012.3. (a) Members of the home shall pay fees and charges
21 as determined by the department, except that the total of the
22 individual member's fees and charges for any fiscal year shall not
23 be greater than as set forth in the following schedule:

24 (1) Forty-seven and one-half percent of the member's annual
25 income for domiciliary care.

26 (2) Fifty-five percent of the member's annual income for
27 residential care for the elderly or assisted living.

28 (3) Sixty-five percent of the member's annual income for
29 intermediate care.

1 (4) Seventy percent of the member's annual income for skilled
2 nursing care.

3 (b) Nonveteran spouses who become members of the home on
4 or after July 1, 2009, shall pay fees and charges based on the level
5 of care, as described in subdivision (a), or an amount equal to the
6 annual amount of federal per diem received for a veteran member
7 in domiciliary care, whichever is greater. If the nonveteran
8 member's income is less than the annual amount of federal per
9 diem for a veteran member in domiciliary care, the nonveteran
10 member shall pay a maximum of 90 percent of his or her annual
11 income.

12 (c) Subdivision (a) shall not apply to a member of the home
13 who is in intermediate care or skilled nursing care and has a
14 disability that has been rated by the United States Department of
15 Veterans Affairs as being 70 percent or more service-connected,
16 as determined under Part 4 of Title 38 of the Code of Federal
17 Regulations and whose related payments made under Section 51.41
18 of Title 38 of the Code of Federal Regulations are considered by
19 the United States Department of Veterans Affairs as payment in
20 full for the member's care.

21 *SEC. 2.5. Section 1012.3 of the Military and Veterans Code is*
22 *amended to read:*

23 1012.3. (a) Members of the home, *including members who*
24 *are nonveteran spouses*, shall pay fees and charges as determined
25 by the department, except that the total of the individual member's
26 fees and charges for any fiscal year shall not be greater than as set
27 forth in the following schedule:

28 (1) Forty-seven and one-half percent of the member's annual
29 income for domiciliary care.

30 (2) Fifty-five percent of the member's annual income for
31 residential care for the elderly or assisted living.

32 (3) Sixty-five percent of the member's annual income for
33 intermediate care.

34 (4) Seventy percent of the member's annual income for skilled
35 nursing care.

36 ~~(b) Nonveteran spouses who become members of the home on~~
37 ~~or after July 1, 2009, shall pay fees and charges based on the level~~
38 ~~of care, as described in subdivision (a), or an amount equal to the~~
39 ~~annual amount of federal per diem received for a veteran member~~
40 ~~in domiciliary care, whichever is greater. If the nonveteran~~

1 ~~member's income is less than the annual amount of federal per~~
2 ~~diem for a veteran member in domiciliary care, the nonveteran~~
3 ~~member shall pay a maximum of 90 percent of his or her annual~~
4 ~~income.~~

5 *(b) Subdivision (a) shall not apply to a member of the home*
6 *who is in intermediate care or skilled nursing care and has a*
7 *disability that has been rated by the United States Department of*
8 *Veterans Affairs as being 70 percent or more service-connected,*
9 *as determined under Part 4 of Title 38 of the Code of Federal*
10 *Regulations and whose related payments made under Section 51.41*
11 *of Title 38 of the Code of Federal Regulations are considered by*
12 *the United States Department of Veterans Affairs as payment in*
13 *full for the member's care.*

14 *SEC. 3. Section 2.5 of this bill incorporates amendments to*
15 *Section 1012.3 of the Military and Veterans Code proposed by*
16 *this bill and SB 1440. It shall only become operative if (1) both*
17 *bills are enacted and become effective on or before January 1,*
18 *2015, (2) each bill amends Section 1012.3 of the Military and*
19 *Veterans Code, and (3) this bill is enacted after SB 1440, in which*
20 *case Section 1012.3 of the Military and Veterans Code, as amended*
21 *by SB 1440, shall remain operative only until the operative date*
22 *of this bill, at which time Section 2.5 of this bill shall become*
23 *operative, and Section 2 of this bill shall not become operative.*